

REMARKS

In response to the Office Action mailed September 22, 2004 in connection with the above-identified application, Applicants respectfully request reconsideration. Claims 11-36 and 38-62 are pending in this application, with claims 11, 12, 16, 20, 23, 24, 27, 34, 35, 39, 61 and 62 being independent claims. By this amendment, claims 11, 12, 20, 23, 24 and 27 have been amended.

I. **Allowable Subject Matter**

Applicants note with appreciation that on page 5 of the Office Action, claims 34, 35, 39, 61 and 62 are allowed. Applicants point out that claims 36, 38 and 42-60 depend from allowed claim 35, and that claims 40 and 41 depend from allowed claim 39. Since these dependent claims are not mentioned specifically in the Office Action, Applicants proceed under the assumption that these claims also are allowed; hence, claims 34-36 and 38-62 apparently are allowed.

Applicants also note with appreciation that claims 13-15, 17-19, 20, 23-25 and 27-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. While not acceding to the propriety of any claim rejections over prior art set forth in the Office Action, Applicants have rewritten some claims solely to accept the subject matter deemed allowable by the Examiner, so as to expedite the prosecution of this application towards allowance. For example, claims 20, 23, 24 and 27 have been amended to include the subject matter of independent claim 11 as pending prior to the amendments herein. Accordingly, these claims now are in condition for allowance. Claims 28-33 depend from claims 27 and are allowable based at least upon their dependency.

II. **Rejections Under 35 U.S.C. §102**

On page 2, the Office Action rejected claims 11-12, 16, and 21-22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,030,108 to Ishihara.

Preliminarily, Applicants note that the present application has an effective filing date (August 26, 1997) that predates the issuance of Ishihara (February 29, 2000). Accordingly, the

rejection of the claims under 35 U.S.C. §102(b) is improper. Applicants proceed under the assumption that the Examiner intended to reject the claims under 35 U.S.C. §102(e) (as Ishihara was filed in August 1993).

Ishihara is directed to a waterproof lighting apparatus including a “light transmission hose” that guides light from a remotely located light source to an illumination area (Abstract). For example, in one embodiment as shown in Ishihara’s Fig. 1, light generated from one or more remotely located light sources is guided by a light transmission hose so as to illuminate an artificial pond and a fountain (Col. 4, lines 31-39).

Various details of the light transmission hose are described in connection with Figs. 4, 5, and 6, for example, in which it is readily apparent that the light transmission hose essentially is a light waveguide including a core and a cladding layer having respective indexes of refraction so as to appropriately guide light through the hose (i.e., at least a portion of light traveling through the core of the hose is at least partially reflected by the cladding layer back into the core to facilitate guiding of the light).

Ishihara discloses a variety of applications relating to such a waterproof lighting apparatus. It is particularly noteworthy that in each disclosed embodiment, light generated from one or more light sources is guided by one or more transmission hoses. Specifically, nowhere in the reference does Ishihara disclose or suggest any lighting apparatus for any application that does not require a light transmission hose to guide radiation emitted by one or more light sources.

In contrast to Ishihara, Applicants’ claim 11, as amended, is directed to an apparatus adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa, the at least one light source including at least one LED and being positioned so as to illuminate the liquid with substantially unguided radiation. As discussed above, Ishihara fails to disclose or suggest the apparatus of Applicants’ claim 11, as Ishihara’s entire disclosure is directed to a lighting apparatus that includes a light transmission hose to guide light generated by a remotely located light source. For at least the foregoing reason, claim 11 patentably distinguishes over Ishihara and is in condition for allowance. Therefore, the rejection of claim 11 under 35 U.S.C. §102(e) as being anticipated by Ishihara should be withdrawn.

Claims 21, 22 and 26 depend from claim 11 and are allowable based at least upon their dependency.

Similarly, Applicants' claim 12 recites, *inter alia*, at least one light source adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa, the at least one light source including at least one LED and being positioned so as to illuminate the liquid with substantially unguided radiation. For reasons similar to those discussed above in connection with claim 11, claim 12 patentably distinguishes over Ishiharada and is in condition allowance. Claims 13-15 depend from claim 12 and are allowable based at least upon their dependency.

Claim 16 is directed to an apparatus, comprising at least one light source adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa, the at least one light source including at least one LED, and an interface coupled to the at least one light source, the interface being adapted to engage mechanically and electrically with a conventional light socket supported by the one of the pool and the spa.

Ishiharada fails to disclose or suggest the features recited in Applicants' independent claim 16. In particular, Ishiharada fails to disclose or suggest at least one light source that includes an interface adapted to engage mechanically and electrically with a conventional light socket supported by one of a pool and a spa.

Applicants respectfully point out that nowhere in the reference does Ishiharada disclose or suggest a conventional light socket *that is supported by one of a pool and a spa*, as required by claim 16. In particular, it is readily apparent from Ishiharada's text and figures that one of the main purposes of Ishiharada's waterproof lighting apparatus is to facilitate locating a light source in a location away from water. Accordingly, there is no example provided by Ishiharada of a light source that includes an interface adapted to engage mechanically and electrically with a conventional light socket supported by one of a pool and a spa. For at least this reason, claim 16 patentably distinguishes over Ishiharada and is in condition for allowance.

Claims 17-19 depend from claim 16 and are allowable based at least upon their dependency.

III. Rejections Under 35 U.S.C. §103

On page 3, the Office Action rejected claim 26 under 35 U.S.C. §103 as being allegedly obvious over U.S. Patent No. 6,030,108 to Ishiharada. Applicants respectfully traverse this rejection. In any case, since claim 26 depends from what is believed to be an allowable base claim, this rejection now is moot.

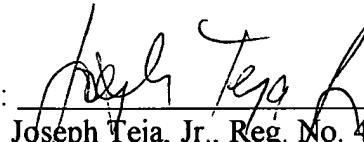
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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